

GEORGE MILLER

7TH DISTRICT, CALIFORNIA

2205 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-0507
(202) 225-2095

www.house.gov/georgemiller

DANIEL WEISS
CHIEF OF STAFF

COMMITTEE ON EDUCATION
AND THE WORKFORCE
SENIOR DEMOCRAT

COMMITTEE ON RESOURCES

DEMOCRATIC POLICY COMMITTEE
CHAIRMAN

Congress of the United States
House of Representatives
Washington, DC 20515-0507

July 06, 2006

BARBARA JOHNSON
DISTRICT DIRECTOR

1333 WILLOW PASS ROAD
SUITE 203
CONCORD, CA 94520
(925) 602-1880

3220 BLUME DRIVE
SUITE 281
RICHMOND, CA 94806
(510) 262-6500

375 G STREET
SUITE #1
VALLEJO, CA 94592
(707) 645-1888

TTY (202) 225-1904

The Honorable Michael Chertoff
Secretary
U.S. Department of Homeland Security
Washington, DC 20528

The Honorable Arnold Schwarzenegger
Governor
State Capitol Building
Sacramento, CA 95814

The Honorable Matthew Bettenhausen
Director
California Office of Homeland Security
State Capitol Building, 1st Floor
Sacramento, CA 95814

Dear Secretary Chertoff, Governor Schwarzenegger, and Director Bettenhausen:

I am writing in response to a July 1 report in the Los Angeles Times that the California Office of Homeland Security has been tracking peaceful political demonstrations, including one in which I participated on March 18, 2006 in Walnut Creek, California, without any indication of illegal or threatening activity.

The notion that federal, state or local governments would covertly monitor citizens engaged in peaceful political expression is completely unacceptable and in violation of the fundamental spirit that established our democracy. Government monitoring of peaceful activities serves to intimidate its citizens from exercising their fundamental rights.

I write to request a complete and detailed account of the monitoring of local political activities in California by the California OHS, its contractors, or any federal agencies.

According to a statement from the California OHS, dated Saturday, July 1, 2006, "Information from federal agencies about the location and time of various political protests around California was collected by a company hired to analyze security data and was included in two draft briefs submitted to OHS officials in March and April, 2006."

This hardly satisfies my concerns about the state's activities nor does it adequately answer the many questions raised by the disclosures in the Los Angeles Times.

In particular, I would like you to provide the following information:

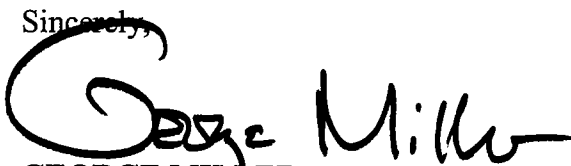
- Is it the practice of the state of California, its contractors, the federal Department of Homeland Security, other federal agencies, local law enforcement agencies or private contractors paid by state or federal agencies to monitor peaceful political activities in California or elsewhere in the United States and to keep records on those peaceful political activities?
- If it is the practice of any of those agencies, departments or contractors, what is the justification for such monitoring, what is the scope of such monitoring, and what is the legal rationale for such monitoring and the legal assurance that the monitoring is not in violation of Americans' first amendment rights to free expression?
- If in fact a state contractor, SRA International, conducted activities that were considered inappropriate or illegal, why was the contractor allowed to continue to work for the state?
- Why did the state fail to inform the public that one of its contractors had acted inappropriately or illegally?
- Why is the federal Immigration and Customs Enforcement Agency tracking peaceful rallies of private citizens and to what extent are they doing so nationally?

At a minimum, the state government owes an apology to the people of California. Even more importantly, the state and the Department of Homeland Security must account for how this monitoring was allowed to occur and must detail what steps have been taken to ensure there is no further inappropriate or illegal interference in the ability of Californians or Americans anywhere to exercise their right to free expression.

We all recognize the critical challenge of enhancing homeland security against the possible threat of terrorism. But, as I am sure you agree, needlessly infringing on Americans' first amendment rights is not an acceptable tactic in this effort, and in fact represents a distraction from the urgent work at hand to keep America safe.

Thank you for your immediate attention to this urgent matter.

Sincerely,

A handwritten signature in black ink that reads "George Miller". The signature is stylized, with a large, looping "G" and a cursive "Miller".

GEORGE MILLER

Member of Congress, 7th District